

State of Iowa Service Contracting Guide

Notice of Intent to Award – Sealed Bid [Example]

This example Notice of Intent to Award a contract resulting from a sealed bid is intended to give you an example of what a Notice of Intent to Award a sealed bid might look like. It is important that any Notice of Intent to Award that your agency issues clearly put the vendor on notice that the Notice does not constitute a formed contract and that you do not have a contract until a written contract is executed by the parties. If you did not include language to that effect in your bidding document, you should make sure that your Notice of Intent to Award clearly provides that the award is contingent on execution of a written contract that is acceptable to your agency.

DATE:

TO:

RE: **NOTICE OF INTENT TO AWARD**
SEALED BID NO.

The **[name of agency & the relevant division or any collaborating agencies, etc.]** announces its intent to award the contract for the

[describe the contract or give the name of the contract]

to

[name of vendor]

As provided in the bidding documents, **[remove the phrase “As provided in the bidding documents if the sealed bid does not contain relevant language] this Notice of Intent to Award is subject to execution of a written contract and, as a result, this Notice does NOT constitute the formation of a contract between the [name of agency] and the apparent successful vendor.** The vendor shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to **[name of agency]** is executed. If the apparent successful vendor fails to negotiate and execute a contract with the **[name of agency]**, the **[name of agency]** may revoke the award and award the contract to the next highest ranked vendor or withdraw the Sealed Bid. The **[name of agency]** further reserves the right to cancel this Notice of Intent to Award at any time prior to the execution of a written contract.

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If your agency has administrative rules addressing the unsuccessful vendors' appeal rights, you should include a provision advising the vendors of the appeal rights and the time frame in which they must file their appeal. For example:

"This Notice of Intent to Award" starts the **[number of days provided for in agency's rules]** day period in which an unsuccessful vendor may file a vendor appeal pursuant to **[chapter]** Iowa Administrative Code **[section number]**.

Thank you for participating in the competitive selection process. For information about this notice, please contact the undersigned.

[signature block]